

REMARKS

Claims 1-8, 11, 13, 15, 17-19, 21, and 26 are amended, no claims are canceled, and claim 33 is added; as a result, claims 1-33 are now pending in this application.

§112 Rejection of the Claims

Claims 2, 3 and 13 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Applicant respectfully traverses and asserts that the claims as filed are definite under 35 U.S.C. § 112, second paragraph. Withdrawal of this rejection is requested.

§102 Rejection of the Claims

Claims 1-4, 6-14, 16-24 and 26-31 were rejected under 35 U.S.C. § 102(b) for anticipation by Zyl (U.S. Patent No. 5,416,723). Applicant respectfully traverses.

Claim 1 recites, in part, “a current control unit adapted to supply input current for the measuring device can be appropriately set as a function of the supply voltage measured by the voltage measuring device, so that the input current is adapted corresponding to actual power demand during a time that is not detrimental to the communication.” Applicant can not find these features in Zyl. Accordingly, claim 1 is not anticipated by Zyl. Reconsideration and allowance of claim 1 and its dependent claims 2-4 and 6-10 are respectfully requested.

The Office Action indicates that control 16 reads on the current control unit as recited in claim 1. Applicant respectfully traverses this assertion. Applicant can not find where Zyl discloses the function of its control 16 to include the features as recited in claim 1. In contrast to claim 1, Zyl merely slows down the microprocessor 2 to reduce current demand. More specifically, Zyl places its processor into an energy-saving mode (see for example column 2, lines 20 sqq.; column 3, line 52 sqq.; column 5, lines 4 to 38). Zyl does not teach supplying input current for the measuring device as a function of supply voltage . . . so that the input current is adapted corresponding to the actual power demand during a time that is not detrimental to the communication. Again, claim 1 is not anticipated by Zyl.

Claim 11 recites, in part, “a current control unit to set current drawn through the two-wire line terminal as a function of the current drawn by the sensor so that the current is adapted corresponding to actual power demand and is not detrimental to the communication.” Applicant can not find these features in Zyl. The Office Action refers to control 16 as having these features. However, applicant can not find a teaching in Zyl that its control 16 has the features recited in claim 11. Moreover, Zyl operates differently as discussed above. Accordingly, claim 11 is not anticipated by Zyl. Reconsideration and allowance of claim 11 and its dependent claims 12-14 and 16-20 are respectfully requested.

Claim 21 recites, in part, “modifying current to the measuring device in a temporally appropriate manner as a function of the measured supply voltage so that the current is adapted corresponding to the actual power demand while allowing digital communication.” Applicant can not find these features in Zyl. Accordingly, claim 21 is not anticipated by Zyl. Reconsideration and allowance of claim 21 and its dependent claims 22-24 are respectfully requested.

Claim 26 recites, in part, “adapting total current drawn through the two-wire line by the measuring device to the determined sensor current using a current control unit such that the drawn total current is adapted corresponding to the actual power demand within a space of time not detrimental to communication.” Applicant can not find these features in Zyl. Accordingly, claim 26 is not anticipated by Zyl. Reconsideration and allowance of claim 26 and its dependent claims 27-31 are respectfully requested.

Claims 1, 5, 21, 25, 26 and 32 were rejected under 35 U.S.C. § 102(e) for anticipation by Fehrenbach et al. (U.S. Patent No. 6,014,100). Applicant respectfully traverses.

Claim 1 recites, in part, “a current control unit adapted to supply input current for the measuring device can be appropriately set as a function of the supply voltage measured by the voltage measuring device, so that the input current is adapted corresponding to actual power demand during a time that is not detrimental to the communication.” Applicant can not find these features in Fehrenbach. Accordingly, claim 1 is not anticipated by Fehrenbach. Reconsideration and allowance of claim 1 and its dependent claim 5 are respectfully requested.

The Office Action indicates that output circuit 71 and control unit 50 reads on the current control unit as recited in claim 1. Applicant respectfully traverses this assertion. Applicant can not find where Fehrenbach discloses that output circuit 71 and control unit 50 include the features as recited in claim 1. In contrast to claim 1, Fehrenbach teaches a kind of energy-saving circuit for a process control transmitter, wherein the transmit/receive unit 60 as well as the control unit 50 including its microprocessor 51 is put into a stand-by mode in time intervals between two active measurements (column 2, lines 10 to 16). Applicant can not find where Fehrenbach teaches supplying input current for the measuring device as a function of supply voltage . . . so that the input current is adapted corresponding to the actual power demand during a time that is not detrimental to the communication. Again, claim 1 is not anticipated by Fehrenbach.

Claim 21 recites, in part, “modifying current to the measuring device in a temporally appropriate manner as a function of the measured supply voltage so that the current is adapted corresponding to the actual power demand while allowing digital communication.” Applicant can not find these features in Fehrenbach. Accordingly, claim 21 is not anticipated by Fehrenbach. Reconsideration and allowance of claim 21 and its dependent claim 25 are respectfully requested.

Claim 26 recites, in part, “adapting total current drawn through the two-wire line by the measuring device to the determined sensor current using a current control unit such that the drawn total current is adapted corresponding to the actual power demand within a space of time not detrimental to communication.” Applicant can not find these features in Fehrenbach. Accordingly, claim 26 is not anticipated by Fehrenbach. Reconsideration and allowance of claim 26 and its dependent claims 32 are respectfully requested.

§103 Rejection of the Claims

Claims 5 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fehrenbach et al. (U.S. Patent No. 6,014,100) in view of Zyl (U.S. Patent No. 5,416,723). Applicant respectfully traverses. Claims 5 and 15 respectively depend from claims 1 and 11 and are believed to be allowable for at least the reasons stated above with regard to claims 1 and 11.

Filing Date: November 29, 2001

Title: ELECTRONIC MEASURING DEVICE FOR DETECTING A PROCESS VARIABLE, IN PARTICULAR A RADAR OR ULTRASONIC FILLING LEVEL MEASURING DEVICE, AND A METHOD FOR OPERATING A MEASURING DEVICE OF THIS TYPE

Applicant further requests that the use of Fehrenbach as a reference against present application under 35 U.S.C. § 103(a) be reviewed in view of 35 U.S.C. § 103(c). Fehrenbach is assigned to Vega Grieshaber KG, as evidenced by the face of the patent and the assignment recorded in the USPTO at Reel\Frame 9695\0502. The present application was also subject to an assignment to Vega Grieshaber KG at the time the invention was made as evidenced by the assignment recorded in the USPTO at Reel\Frame 012872\0845. Withdrawal of the rejection of claims 5 and 15 under 35 U.S.C. § 103(a) is requested.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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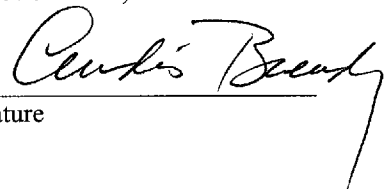
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This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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